

RESOLUTION NO. 2003-195

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENTS, OVERRULING PROTESTS AND
DECLARING ASSESSMENT BALLOT RESULTS AND
ESTABLISHING ASSESSMENT MAINTENANCE DISTRICT

Almondwood Estates Assessment District Zone 1
Lodi Consolidated Landscape
Maintenance Assessment District No. 2003-1
(Landscaping and Lighting Act of 1972)

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. On August 20, 2003, this Council adopted Resolution of Intention to Order the Formation of a Maintenance Assessment District and to Levy and Collect Assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's Almondwood Estates Assessment District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

2. The Report was made and filed and the Report was considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.

3. The City Council provided for the giving of Notice of the Public Meeting and Public Hearing setting Wednesday October 1, 2003, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time for the Public Meeting and setting Wednesday October 15, 2003, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place for a Public Hearing to take testimony and for hearing protests in relation to the proposed assessment, the formation of the district, the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.

4. The owners of all of the property proposed to be included in the District have filed herein their Wavier and Consent.

5. On October 1, 2003, at the time and place as set forth in Resolution No. 2003-154 the City Council held the Public Meeting and duly heard all interested parties desiring to be heard.

6. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing Notices of the time and place for said Public Meeting and Public Hearing and the Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) and the Council hereby finds that the Notice of the time and place for said Public Meeting and Public Hearing thereon and Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form, and manner required by law.

7. On October 15, 2003, at the time and place as set forth in Resolution 2003-154 the City Council held the Public Hearing and duly heard all interested parties desiring to be heard.

8. In accordance with Resolution No. 2003-154 and Article XIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said assessment district, and at the close of the Public Hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots submitted and not withdrawn and found that the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not exceed assessment ballots submitted and not withdrawn in it favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcels for which each assessment ballot was submitted and the Council so found.

9. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the assessment district or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

10. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the ballot measure has been submitted to the voters of land within the district and after the tabulation of the assessment ballots submitted and not withdrawn, that no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.

11. The City Council hereby approves the Engineer's Report and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the assessment district and the Assessments.

12. The City Council hereby confirms the Assessment, Assessment Roll and the Diagram as now on file with it, and declares the Engineer's Report and said Diagram, Assessment, and Assessment Roll as contained therein are hereby adopted and confirmed.

13. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, this Council expressly finds and determines that:

(a) each of the several subdivisions of land in the Assessment District will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and

(b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

14. The City Council determines and orders the maintenance assessment district be formed to be known as Almondwood Estates Assessment District Zone 1, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

15. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established in the amount of \$403.00 per dwelling unit equivalent Factor (dueF) per year, is hereby ordered and confirmed.

16. The City Council finds, determines, and orders that the maximum annual assessment set forth in **Paragraph 15** of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.

17. The City Council finds, determines, and orders that for the 2004-05 Fiscal Year there is hereby levied on each parcel an actual assessment amount of \$292.00 per dueF as detailed in the Engineer's Report and Assessment Roll contained therein.

18. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.

19. This resolution shall take effect immediately upon its passage.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-195 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

AYES:	COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

**CITY CLERK'S CERTIFICATE
RE: ASSESSMENT BALLOTS**

**ALMONDWOOD ESTATES ASSESSMENT DISTRICT ZONE 1
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1**

I, SUSAN J. BLACKSTON, City Clerk of the City of Lodi hereby certify:

City Clerk staff have personally received and assembled all assessment ballots returned by mail or delivered in person to be cast in the special assessment mailed ballot procedure called by the City Council in its Resolution No. 2003-154 and in accordance with my instructions contained in that Resolution, I hereby declare the balloting closed.

At the conclusion of the Public Hearing on October 15, 2003, I opened and tabulated the assessment ballots and certify the result of that tabulation to be as follows:

TOTAL ASSESSMENT BALLOTS CAST	YES:	\$ 29,822.00
TOTAL ASSESSMENT BALLOTS CAST	NO:	\$ -0-
TOTAL ASSESSMENT BALLOTS CAST		\$ 29,822.00

THE ASSESSMENT BALLOTS CAST "YES" equal
100% OF THE TOTAL ASSESSMENT BALLOTS CAST.

I make this Certification on October 15, 2003.


SUSAN J. BLACKSTON